

REMARKS

Applicant has carefully reviewed the Office Action dated July 1, 2003. Claims 1-10 were rejected. Claim 1 has been amended. The specification was amended to correct a typographical error.

Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by Ferrera et al. (U.S. Patent No. 6,240,231). Applicant respectfully traverses this rejection. Ferrera et al. disclose a variable stiffness composite sensor shaft for use in a medical device such as a catheter. *See* column 2, lines 8-12. The medical device can further include a strain relief member (120) placed at the proximal end of the shaft. *See* Figure 22 and column 11, lines 40-44. In addition, the device can include a proximal hub that facilitates connection of the optical fiber to a light source, and the hub can be attached to the strain relief member (120). *See* column 3, lines 59-65. The attachment of the strain relief member (120) to the composite shaft and then the proximal hub to the strain relief member (120) can be accomplished with an adhesive, including a UV curable adhesive. *See* column 3, lines 49-55 and column 3, line 65 thru column 4, line 5.

In response, claim 1 was amended in order to more particularly recite that the layer of selectively curable material that is disposed on the outer surface of the inner member is selectively cured. Claim 1, as amended, recites that there are multiple portions of the selectively curable material. “The first portion of the selectively curable material is at least partially cured and the second portion of the selectively curable material is either uncured or cured to a lesser degree than the first portion of the selectively curable material.” Thus, the current invention claims an apparatus in which different portions of the curable material are cured to different levels or a portion is not cured at all. In contrast, Ferrera et al. disclose the use of a curable adhesive to adhere the strain relief member to the shaft and then the proximal hub to the strain

relief member. Ferrera et al. do not disclose curing different portions of this adhesive to different levels of cure or not curing one portion of the curable adhesive. Because Ferrera et al. do not disclose all of the limitations of claim 1, Applicant respectfully asserts that claim 1 is not anticipated by Ferrera et al. Because independent claim 1 is not anticipated by Ferrera et al., dependent claims 2 and 3 are also not anticipated by Ferrera et al. for the same reasons and because they include additional distinct elements.

Claims 1 and 4-6 were rejected under 35 U.S.C. §102(e) as being anticipated by Derbin et al. (U.S. Patent No. 6,562,021). Applicants respectfully traverse this rejection. Derbin et al. disclose the use of a curable adhesive in a manner similar to that of Ferrera et al. The language used in Ferrera et al. to describe adhering the strain relief member to the shaft (column 3, lines 49-55) is nearly identical to the language used in Derbin et al. (column 8, line 41-46). Ferrera et al., at column 3, line 65 thru column 4, line 5, again uses nearly identical language to that used in Derbin et al. at column 8, lines 50-56 when describing adhering the proximal hub to the strain relief member. This is in contrast to the current invention, which recites that different portions of the curable material are cured to different levels or a portion is not cured at all. Because Derbin et al., like Ferrera et al., do not disclose all of the limitations of claim 1, it is respectfully asserted that Derbin et al. do not anticipate claim 1. Because independent claim 1 is not anticipated by Derbin et al., dependent claims 4-6 are also not anticipated by Derbin et al. for the same reasons and because they include additional distinct elements.

Claims 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ferrera et al. or Derbin et al. Applicants respectfully traverse this rejection. As mentioned above, neither Ferrera et al. nor Derbin et al. disclose all of the elements of independent claim 1. Specifically, neither patent discloses selectively curing the curable material to different levels of cure or not

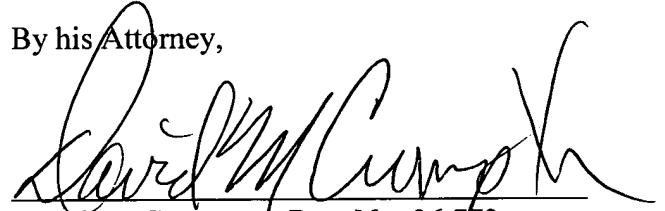
curing a portion of the curable material. In order to show a prima facie case of obviousness, all claim limitations must be taught or suggested. M.P.E.P. §2143.03. Applicant respectfully asserts that, as shown above, all of the limitations of claim 1 are not taught or suggested in the prior art that is referenced, and therefore, claim 1 is not obvious in view of the cited prior art. Because independent claim 1 is not obvious, it is respectfully asserted that dependent claims 7-10 are not obvious for the above reasons and because they recite further distinct elements.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,



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